

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5680 /2020


1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2020	<p>The appeal of Mr. Inayat Khan presented today by Mr. Muhammad Jehangir Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/06/2020</u></p> <p>CHAIRMAN</p>

18.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as appointed as Khasadar vide office order dated 05.11.1996. Later on he was promoted to the post of Subedar Major. That after the introduction of 25th Constitutional amendment, the Khasadar Force was merged into the regular Police service of Khyber Pakhtunkhwa Police Service through Provincial legislation under the Khyber Pakhtunkhwa Khasadar Force Act, 2019. That after the merger, the appellant was awarded the rank of Deputy Superintendent of Police as per the guidelines provided by respondent No.2 vide notification dated 09.04.2019 but vide impugned notification dated 14.02.2020 he has been placed at serial No. 243 with the rank of a Constable in (BPS-07). Against the impugned notification, he filed departmental appeal on 06.03.2020 which was not responded within the statutory period of ninety days, hence the instant service appeal on 10.06.2020. Learned counsel for the appellant contended that the appellant has been discriminated and not treated according to law and rules.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 04.08.2020 before S.B.

Disputed
Process Fee
2/6/20


(MAIN MUHAMMAD)
MEMBER

Approved: _____

Special Agent in Charge

Department of Justice

The undersigned hereby certifies that the above information is true and correct to the best of his knowledge and belief, and that he is a Special Agent in Charge of the Federal Bureau of Investigation.

Departmental approval is hereby given to the above information.

Special Agent in Charge

Department of Justice

04.08.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Nasr, Senior Clerk for the respondents present.

Representative of the department seeks time to furnish the requisite reply/comments. Adjourned to 28.09.2020 on which date reply/comments shall positively be furnished.


(MIAN MUHAMMAD)
MEMBER (E)

28.09.2020

Counsel for the appellant and Addl. AG alongwith Muhammad Nasir, Senior Clerk for respondent No. 4 present.

Parawise comments on behalf of respondent No. 4 have been submitted. Placed on record. Learned AAG is required to contact the respondents No. 1, 2, 3 & 5 and facilitate the submission of reply/comments on their behalf on 18.11.2020 before S.B.


Chairman

18.11.2020

Junior to counsel for the appellant and Addl; AG along with Muhammad Nisar, Senior Clerk for the respondent No.4 present.

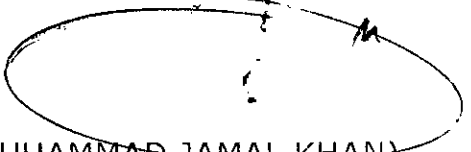
Para wise comments on behalf of respondent No.4 has been already submitted. Learned AAG is required to contact the respondents No. 1, 2, 3, & 5 and facilitate the submission of reply/comments on their behalf. Last opportunity is granted. To come up for written reply/comments on 07.01.2021 before S.B.


Chairman

07.01.2021

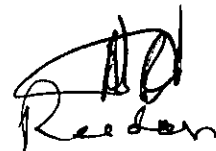
Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Written reply on behalf of respondent No. 4 has already been submitted while written reply on behalf of respondents No. 1, 2, 3 & 5 have not been submitted despite last chance given in preceding order sheet dated 18.11.2020, therefore, respondents No. 1, 2, 3 & 5 are proceeded against ex-parte. File to come up for rejoinder and arguments on 07.04.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

7.4.21

Due to demise of Chairman
case is adjourned to 7.7.21


Recorder

07.07.2021

Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment as senior counsel is not in attendance today; granted. To come up on 23.11.2021 for arguments before D.B.



(Rozina Rehman)
Member(J)



Chairman

23.11.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Nasir Senior Clerk for the respondents present.

Learned counsel for the appellant requested for adjournment; granted. To come up for arguments on 14.03.2022 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)




(Rozina Rehman)
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.

9.6.22

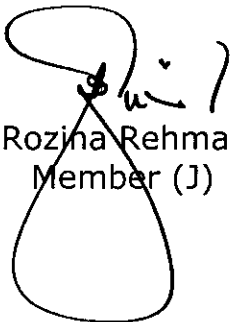
proper D.B is an  Reader.
Therefore the case is adjourned to
29.8.22 for same.

29.06.2022

Appellant alongwith his counsel present.

The instant case is fixed for 29.08.2022, however case file requisitioned on the request of learned counsel for the appellant as he has submitted an application seeking suspension of operation impugned Notification No. 5800/TRG dated 10.06.2022, whereby the appellant has been nominated for Basic Recruit Course for three months at PTS Swat.

Learned counsel for the appellant heard. Notice of the application be issued to the respondents and to come up for arguments on application as well as main appeal on 04.07.2022 before the D.B. Meanwhile, the appellant shall remain exempted from attending the concerned training till the date fixed.

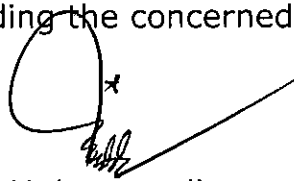

(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

04.07.2022

Learned counsel for the appellant present. Mr. Abdul Nasir, Senior Clerk alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General requested that as representative of the respondents present before the Tribunal today is not in a position to properly assist him and has also not brought the relevant record, therefore, an adjournment may be granted. Adjourned. To come up for arguments on the application as well as main appeal on 14.07.2022 before the D.B. In the meanwhile, the appellant shall remain exempted from attending the concerned training till the date fixed.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

14.07.2022

Learned counsel for the appellant present. Mr. Maqbool Hussain, Service Record Keeper (Kurram) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 02.09.2022 before the D.B. In the meanwhile, the appellant shall remain exempted from attending the concerned training till the date fixed.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

02.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 21.10.2022 before the D.B.



(Salah-Ud-Din)
Member (Judicial)

21st Oct., 2022

Because of strike of the Bar, this matter is adjourned to 13.12.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Kalim Arshad Khan)
Chairman



(Fareeha Paul)
Member(E)

13.12.2022

Counsel for the appellant present.

Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 01.03.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)